

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL SAUERS, Individually	:	Civil No. 3:16-CV-00811
and as Administrator of the Estate	:	
of Carola R. Sauers,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
BOROUGH OF NESQUEHONING;	:	
CHIEF OF POLICE SEAN SMITH; and	:	
OFFICER STEPHEN HOMANKO,	:	
	:	
Defendants.	:	Judge Jennifer P. Wilson

ORDER

AND NOW, on this 21st day of September, 2020, upon consideration of the motion for judgment on the pleadings filed by Defendant Borough of Nesquehoning, Doc. 51, **IT IS ORDERED** as follows:

- 1) The motion is **GRANTED** with respect to Counts V (wrongful death), VI (survival action), and VII (respondeat superior/vicarious liability), and judgment is **GRANTED** to Defendant Borough of Nesquehoning on these counts; and
- 2) The motion is **DENIED**, without prejudice, with regard to the Borough of Nesquehoning's duty to defend and indemnify Defendant Stephen Homanko.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Court Judge
Middle District of Pennsylvania